

PATENT COOPERATION TREATY

From the:
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

CORRECTED VERSION

To:

WALLINGTON-DUMMER
GPO Box 3888
SYDNEY NSW 2001

PCT

**NOTIFICATION OF TRANSMITTAL OF
INTERNATIONAL PRELIMINARY EXAMINATION
REPORT**

(PCT Rule 71.1)

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| Date of mailing <i>day/month/year</i> | |
| 10 FEB 2005 | |

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| Applicant's or agent's file reference 035012 | IMPORTANT NOTIFICATION | |
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|--|--|----------------------------------|
| International Application No. PCT/AU2003/001431 | International Filing Date 31 October 2003 | Priority Date 31 October 2002 |
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| Applicant |
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| WILSON, Ian Geoffrey |
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1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translations to those Offices.

4. **REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices)(Article 39(1))(see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide

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| Name and mailing address of the IPEA/AU | Authorized officer |
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| AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaaustralia.gov.au Facsimile No. (02) 6285 3929 | O.L. HAGGAR |
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PATENT COOPERATION TREATY
PCT
INTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)

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| Applicant's or agent's file reference 035012 | FOR FURTHER ACTION | See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416). |
| International Application No. PCT/AU2003/001431 | International Filing Date (day/month/year) 31 October 2003 | Priority Date (day/month/year) 31 October 2002 |
| International Patent Classification (IPC) or national classification and IPC Int. Cl. 7 A47J 37/12, H05B 3/78 | | |
| Applicant WILSON, Ian Geoffrey | | |

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| <p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 4 sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of sheet(s).</p> |
| <p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the report</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input checked="" type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p> |

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| Date of submission of the demand 28 May 2004 | Date of completion of the report 9 February 2005 |
| Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaaustralia.gov.au Facsimile No. (02) 6285 3929 | Authorized Officer O.L. HAGGAR Telephone No. (02) 6283 2109 |

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

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| International application No. |
| PCT/AU2003/001431 |

L Basis of the report

1. With regard to the elements of the international application:*

the international application as originally filed.

the description, pages 1-26, as originally filed,
pages , filed with the demand,
pages , received on with the letter of

the claims, pages , as originally filed,
pages 41-54 as amended (together with any statement) under Article 19,
pages , filed with the demand,
pages , received on with the letter of

the drawings, pages 1-7, as originally filed,
pages , filed with the demand,
pages , received on with the letter of

the sequence listing part of the description:
pages , as originally filed
pages , filed with the demand
pages , received on with the letter of

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language which is:

the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).

the language of publication of the international application (under Rule 48.3(b)).

the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

contained in the international application in written form.

filed together with the international application in computer readable form.

furnished subsequently to this Authority in written form.

furnished subsequently to this Authority in computer readable form.

The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

4. The amendments have resulted in the cancellation of:

the description, pages

the claims, Nos.

the drawings, sheets/fig.

5. This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/AU2003/001431**IV. Lack of unity of invention**

1. In response to the invitation to restrict or pay additional fees the applicant has:

- restricted the claims.
- paid additional fees.
- paid additional fees under protest.
- neither restricted nor paid additional fees.

2. This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is

- complied with.
- not complied with for the following reasons:

Independent claims 1, 32, 51 and 59 define an electric deep frying appliance having a bowl and a heat distributor/heat source and a control pylon. There is no mention of how the heat distributor is located with respect to the bowl.

Independent claim 66 is directed to an appliance wherein the heat source is supported clear of the base of the bowl. There is no mention of any control pylon.

4. Consequently, the following parts of the international application were the subject of international preliminary examination in establishing this report:

- all parts.
- the parts relating to claims Nos.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

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| International application No. |
| PCT/AU2003/001431 |

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

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|-------------------------------|------------------------|-----|
| Novelty (N) | Claims 1 – 31, 66 - 73 | YES |
| | Claims 32 - 65 | NO |
| Inventive step (IS) | Claims 1 - 31, 66 - 73 | YES |
| | Claims 32 - 65 | NO |
| Industrial applicability (IA) | Claims 1 - 73 | YES |
| | Claims | NO |

2. Citations and explanations (Rule 70.7)

The following international search report citations have been considered for the purposes of this statement:

D1: EP 1228731 A D2: EP 1029488 A D3: EP 1025788 A D4: EP 546208 A
 D5: DE 20207570 U D6: DE 19907172 A D7: 3600294 A D8: JP 2002125864 A
 D9: JP 11 235281 A D10: JP 8 224176 A

Novelty (N) Claims 1 – 73

Claims 1 – 31 and 66 – 73 are novel in the light of D1 – D10 none of which disclose the heat distributor being in the form of an annular dished member or a die cast dish having a central aperture.

Claims 32 – 65 are not novel in the light of D1 – D10 each of which discloses an electric deep frying appliance for heating cooking oil which comprises a bowl and heating assembly including a heat distributor in the form of a tubular heating element, and a control pylon adapted to provide power and temperature control to the heat distributor.

Inventive step (IS) Claims 1 - 73

Claims 1 – 31 and 66 – 73: see above.

Claims 32 – 65: see above.

Industrial applicability (IA) Claims 1 – 73

All claims satisfy the requirements of industrial applicability.